

# Lowenstein Sandler LLP

R. Scott Thompson  
Partner

65 Livingston Avenue  
Roseland, NJ 07068  
T 973 597 2532  
F 973 597 2533  
[sthompson@lowenstein.com](mailto:sthompson@lowenstein.com)

February 28, 2013

**VIA ECF & U.S. MAIL**

Hon. Kevin McNulty, U.S.D.J.  
United States District Court  
District of New Jersey  
M.L. King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: BanxCorp v. Bankrate, Inc.; Docket No. 07-3398**

Dear Judge McNulty:

This firm represents Defendant Bankrate, Inc. ("Bankrate") in the referenced action. On March 7, 2013, Bankrate will file a motion for summary judgment in accordance with the briefing schedule set by Judge Hammer. [Doc. No. 386]

The Seventh Amended Complaint is 111 pages long not including exhibits. It sets forth causes of action under the Sherman Act, the Clayton Act, and the New Jersey Antitrust Act. The Sherman Act claims are based upon allegations of four separate kinds of anticompetitive conduct. In light of the number of issues that require briefing and the history of the case, Bankrate respectfully requests the Court's permission to file an over-length brief. Under Local Rule 7.2(b), the parties are permitted to file briefs of 40 pages (at size 14 font); we request leave to file a brief of up to 50 pages. We conferred with counsel for BanxCorp, who does not object to this request on the condition that, if leave is granted, BanxCorp shall be permitted to file an opening brief of up to 50 pages as well.

Respectfully submitted,

*R. Scott Thompson /ef*

R. Scott Thompson

So Ordered:

cc: All counsel or record (via ECF)

---

Hon. Kevin McNulty, U.S.D.J.

Date: March \_\_\_, 2013